

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed February 23, 2005. At the time of the Office Action, Claims 1-21 were pending in this Application. Claims 1, 2, 6, 8, 9, 13-15, 19 and 21 were rejected. Claims 3-5, 7, 10-12, 16-18, and 20 have been objected to as being dependent upon a rejected base, but allowable if rewritten in independent form. Claims 1 and 8 have been amended to further define various features of Applicants' invention. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. §103

Claims 1-2, 6, 8-9, 13-15, 19 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over non-patent document, "SAN Configuration Tool for Dell SANS" by Matthew Brisse ("Brisse") in view of U.S. Patent 6,229,540 issued to Tonelli et al. ("Tonelli."). Applicants respectfully traverse and submit the cited art combination, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

In order to make obvious Applicant's claimed invention, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Applicants submit that the combination of Brisse and Tonelli fails to disclose each and every element of the claimed embodiments.

Independent Claims 1 and 8, as amended, recite, among other limitation, "automatically communicating with devices in the network and discovering attributes of the devices" and "automatically comparing the discovered attributes with a predefined set of valid device attributes." Similarly, Independent Claim 14 recites, among other limitations, "automatically communicating with the devices via the network interface to discover attributes of the devices" and "automatically comparing the discovered attributes with the predefined set of valid device attributes."

The Brisse reference is directed at a SAN configuration tool for storage area network *design*. The SAN configuration tool is a GUI-based computer application for developing a

network design. See pages 3-5. However, Brisse does not teach communicating with components existing on an actual network and discovering attributes associated with actual network devices. Additionally, as Examiner concedes, Brisse fails to disclose, teach or suggest comparing discovered attributes with a predefined set of valid device attributes.

The Tonelli reference is generally related to network auditing. See Col. 1, lines 13-14. Tonelli first teaches the use of network design software to design a network by selecting and connecting various network device icons and network media icons. Col. 4, lines 46-49.

The network *design* software of Tonelli then uses a "rules engine" to validate the network *design* that has been entered into the network design software. See Col. 4, line 51 - Col. 5, line 8.

Later, Tonelli discusses an application of network audit software onto an actual network segment 506. See Col. 18, line 48 - Col. 19, line 10. In this regard, Tonelli teaches the use of query engine 502 to communicate with a network device and gather various network information. Col. 19, line 10 - Col. 20, line 53. However, the information which is gathered from the actual network components is only used for comparison with "a previously generated network configuration." Col. 22, lines 9-11. "The previously generated configuration may be generated by a prior audit or by creating a network design *with the network design tool*." Col. 22, lines 11-14. Emphasis added. Tonelli notes that, [t]his information can be extremely valuable in trouble-shooting network problems to find out which parts of the network configuration have changed since the network last operated properly." Col. 22, lines 25-26.

Accordingly, Applicants submit that Tonelli is limited to teaching *validation* only within a *design tool*. With respect to an actual network, Tonelli teaches only comparing the current configuration with a previous configuration (such that any *changes* in the network configuration can be identified for trouble-shooting purposes.) The fact that Tonelli discloses only this comparison technique with respect to an actual network (and not a network design) suggests that Tonelli limits validation analysis to network *design* software and inherently teaches against validation in actual networks. As such, Tonelli also fails to disclose, teach, or suggest communicating with devices in a network and comparing the attributes of the devices with a predefined set of valid device attributes as recited in Independent Claims 1, 8 and 14.

Applicants respectfully submit that Brisse and Tonelli, either alone or in combination, fail to disclose, teach or suggest each and every limitation of Independent Claims 1, 8 and 14 or Claims 2, 6, 9, 13, 15, 19 or 21 which depend therefrom. Accordingly, Brisse and Tonelli cannot render obvious Claims 1-21. Applicants request reconsideration, withdrawal of the §103 rejections, and full allowance of Claims 1-21.

Allowable Subject Matter

Applicants appreciate Examiner's consideration and indication that Claims 3-5, 7, 10-12, 16-18, and 20 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. In light of the above remarks, Applicants submit that Claims 3-5, 7, 10, 12, 16-18 and 20 now depend from claims that have been placed in condition for allowance.

Information Disclosure Statement

Applicants enclose an Information Disclosure Statement and PTO Form 1449, with a copy of the references and a check in the amount of \$180.00, for the Examiner's review and consideration.

CONCLUSION

Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the claims as amended.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2548.

Respectfully submitted,
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